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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/964,938	09/27/2001	David F. Lowry	50005-44	2207	
	7590 06/18/200 SPARKMAN, LLP	EXAMINER			
121 SW SALMON STREET, SUITE 1600 ONE WORLD TRADE CENTER PORTLAND, OR 97204			STEVENS, THOMAS H		
			ART UNIT	PAPER NUMBER	
ŕ			2121		
			MAIL DATE	DELIVERY MODE	
			06/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/964,938	LOWRY, DAVID F.		
Examiner	Art Unit		
Thomas H. Stevens	2121		

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address − THE REPLY FILED 01 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies (1) an amendment, afficient, or other evidence, minch particles to the condition of particles of the condition of the following time periods: 2. ☑ The period for reply expires 2 months from the mailing date of the final rejection. 3. ☑ The period for reply expires 2 months from the mailing date of the final rejection. 4. ☑ The period for reply expires 2 months from the mailing date set from \$1.00 (1) and \$1.00 (1) or \$1.00 (1)		Thomas H. Stevens	2121	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must limely file one of the following replies: (1) an amendment, affidavit, or or revidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal ee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☑ The period for reply expires on: (1) the mailing date of the final rejection. b) □ The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: (1 box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPE 708 07(f). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee under 37 CFR 1.13(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in the final office action; or (2) as set for hin the final rejection. Set for hin (b) above, if checked. Any reply received by the Office letter than three months after the mailing date of the final rejection, even if timely filed. □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dishin two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dishin two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS □ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deeme	The MAILING DATE of this communication appe	ars on the cover sheet with the d	orrespondence add	ress
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must limely file one of the following replies: (1) an amendment, affidavit, or or revidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal ee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☑ The period for reply expires on: (1) the mailing date of the final rejection. b) □ The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: (1 box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPE 708 07(f). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee under 37 CFR 1.13(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in the final office action; or (2) as set for hin the final rejection. Set for hin (b) above, if checked. Any reply received by the Office letter than three months after the mailing date of the final rejection, even if timely filed. □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dishin two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dishin two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS □ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deeme	THE REPLY FILED 01 June 2007 FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR A	LLOWANCE.	
a) The period for reply expires 2_cnoths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: (1 box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See NHEP 706.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee to the filed of the filed of the filed propriate and the corresponding amount of the fee. The appropriate extension fee to the filed of the filed of the filed propriate extension fee to the filed of the filed propriate extension fee to the filed of the filed propriate extension fee to the filed of the filed propriate extension fee to the filed propriate extension fee the filed propriate extension fee to filed propriate extension fee to filed filed propriate extension fee to filed filed propriate extension fee to filed filed propriate extension fee filed fil	1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance	the same day as filing a Notice of ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in o	Appeal. To avoid aba fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 2. The Notice of Appeal was filed on	 a)	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailinb). ONLY CHECK BOX (b) WHEN THE	g date of the final rejecti	on.
 2.	have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	ension and the corresponding amount shortened statutory period for reply orig than three months after the mailing da	of the fee. The appropri inally set in the final Offi	ate extension fee ce action; or (2) as
3.	 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter a Notice of Appeal has been filed, any reply must be filed 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:			will not be optomed b	
appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	(a) They raise new issues that would require further could be They raise the issue of new matter (see NOTE below	nsideration and/or search (see NO w);	TE below);	
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	ter form for appear by materially re	ducing or ampinying	1116 133463 101
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):		corresponding number of finally rej	ected claims.	
Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 10,29 and 38-40. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.	NOTE: (See 37 CFR 1.116 and 41.33(a)).			
non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 10,29 and 38-40. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).	5. Applicant's reply has overcome the following rejection(s)	:		
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 11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 		n of the status of the claims after e	ntry is below or attacl	ned.
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). Anthony Knight Supervisory Patent Examiner Group 3600	11. The request for reconsideration has been considered bu	t does NOT place the application i	n condition for allowa	nce because:
13. Other: Anthony Knight Supervisory Patent Examiner Group 3600		(PTO/SB/08) Paper No(s)		4
CIUM WALL	13. ☐ Other:	Supervis	nthony Kright Bory Patent Exam	iner
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Continuation of 11. does NOT place the application in condition for allowance because: the claims still represent non-statutory subject matter for the reasons set forth in the final rejection.